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# Your Right to Question the Decision Made on Your Claim

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If we recently denied your claim with us for Social Security benefits or Supplemental Security Income (SSI), disability benefits or a nonmedical related issue, you can appeal our decision if you disagree.

There are four levels of appeal when you disagree with a determination you have received from us:

- Reconsideration (Form SSA-561).
  - A reconsideration is a complete review of your claim by someone who did not take part in the first determination. We will look at all the evidence used in the first determination, plus any new evidence that we obtain or that you submit.
  - If you are requesting a reconsideration of a determination about whether you have a qualifying disability, we will send your request to the Disability Determination Services (DDS) for your State for review. You may receive letters from your State DDS while they are handling your reconsideration.
  - If you are appealing our determination about a nonmedical issue (such as an overpayment), your reconsideration will be handled by our local office or payment center. The local office or payment center technician handling your appeal may contact you for evidence.

- Hearing by an administrative law judge (Form HA-501).
  - A hearing is a review of your claim by an administrative law judge, or ALJ, who did not take part in the first or reconsideration determination. The ALJ will look at all of the evidence in your case.
  - Regardless of the issue(s) you are appealing, your local office will send your request for hearing to one of our hearing offices for action. You will receive information from the hearing office about the hearing process, and the hearing office will send you a notice when we have scheduled your hearing.
  - You can learn more about the hearing process at [\*\*www.ssa.gov/appeals/hearing\\_process.html\*\*](http://www.ssa.gov/appeals/hearing_process.html).
- Review by the Appeals Council (Form HA-520).
  - If you disagree with your hearing decision, you may ask the Appeals Council to review the decision.
  - The Appeals Council may deny or dismiss your request for review, or it may grant review.
  - If the Appeals Council grants your request for review, it will either issue a new decision or return your case to an administrative law judge for further action.

- You can learn more about the Appeals Council Request for Review process at [\*\*www.ssa.gov/appeals/appeals\\_process.html\*\*](http://www.ssa.gov/appeals/appeals_process.html).
- Federal Court review.
  - If you disagree with the Appeals Council's decision on your case, or if the Appeals Council denies your request for review, you can file a civil action in Federal district court.
  - To learn more about the Federal Court review process, visit [\*\*www.ssa.gov/appeals/court\\_process.html\*\*](http://www.ssa.gov/appeals/court_process.html).

## When to appeal

The most important part to remember about an appeal is the timeframe in which you can ask for one. Generally, you have 60 days from the date you receive the notice of our decision to ask for any appeal. We assume you will get our notice within five days after the date on the letter, unless you can show us you got it later.

If you do not appeal within the 60 day time limit, you may lose your right to appeal and the last decision we made becomes final. For example, if you do not ask for a reconsideration within 60 days, you may lose your right to have a hearing.

If you have a good reason for not appealing your case within the time limits, we may give you more time.

A request for more time must be made to us in writing, stating the reason for the delay.

If the last day to appeal falls on a Saturday, Sunday, or national holiday, the time limit extends to the next workday.

## How to appeal

If you received a determination from us that you do not agree with, you need to send us a request in writing. You can request an appeal online for most levels of appeal, even if you live outside of the United States. Visit [\*\*www.ssa.gov/benefits/disability/appeal.html\*\*](http://www.ssa.gov/benefits/disability/appeal.html) to get your online appeal started. The reconsideration, hearing by an administrative law judge, and review by the Appeals Council appeals are online.

The fastest and easiest way to request an appeal is to submit a request online, but appeal forms are also available for download at [\*\*www.ssa.gov/forms\*\*](http://www.ssa.gov/forms). You can also call our toll-free number, **1-800-772-1213** (TTY **1-800-325-0778**), or contact your local Social Security office to request appeal forms.

## Overpayments

If you have an overpayment, we will send a notice letting you know if we paid you more than you should have received. The notice explains how to ask us to reconsider our decision,



or not collect the overpayment (we call this a “waiver”), or let you pay back the amount at a different rate. Our webpage explains what to do in each situation.

## **Appealing a Disability Cessation Decision**

If you receive a decision that you no longer have a qualifying disability, you will need to file a Request for Reconsideration – Disability Cessation Right to Appear (SSA-789). This form is not online, but you can download this form at [\*\*www.ssa.gov/forms\*\*](http://www.ssa.gov/forms).

### **Continuation of payments:**

- **After a medical review:**
  - If you appeal our determination that you no longer have a qualifying disability within 10 days after the date you receive our letter, your payments will continue while we make a decision on your appeal.
- **After a nonmedical review:**
  - If you are receiving SSI and file an appeal for a nonmedical determination within 60 days after the date you receive our letter:
    - Your payments will continue.
    - Your payments will remain at the same amount until we make a decision on your appeal.

- If the decision on your appeal is unfavorable, you may have to pay back any money you weren't eligible to get.
- Any medical assistance you have that is based on SSI may also stop. If your medical assistance stops, your medical assistance agency will contact you.

## Your right to representation with your appeal

You may choose to have someone help you with your appeal or represent you. Your representative may be a lawyer or other qualified person familiar with you and the Social Security program. We will work with your representative just as we would work with you. They can act for you in most Social Security matters and will receive a copy of any decisions we make about your claim.

Your representative cannot charge or collect a fee from you without first getting written approval from us.

We can give you information about organizations that may help you find a representative. Many representatives charge a fee, but there are others who provide free services if you qualify, or who only charge a fee if you're awarded benefits. Usually, your representative will need our written approval before collecting a fee. If you decide to select a representative, you need to tell us in

writing. You may use our form for this purpose, Claimant's Appointment of a Representative (Form SSA-1696).

## Checking the Status of Your Appeal

Whether you filed your appeal online, by mail, or in an office, you can check the status of your appeal using your personal *my* Social Security account. A personal *my* Social Security account is an easy, convenient, and secure way to do business with us. If you don't have one, you can create one today by visiting: [www.ssa.gov/myaccount](http://www.ssa.gov/myaccount).

## Contacting Social Security

The most convenient way to do business with us is to visit [www.ssa.gov](http://www.ssa.gov) to get information and use our online services. There are several things you can do online: apply for benefits; get useful information; find publications; and get answers to frequently asked questions.

When you open a personal *my* Social Security account, you have more capabilities. You can review your *Social Security Statement*, verify your earnings, and get estimates of future benefits. You can also print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, get a replacement SSA-1099/1042S, and request a replacement Social Security card (if you meet certain

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requirements). Access to your personal *my* Social Security account may be limited for users outside the United States.

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week, so you do not need to speak with a representative.

If you need to speak with someone, call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing. A member of our staff can answer your call from 8 a.m. to 7 p.m., Monday through Friday. We provide free interpreter services upon request. **Wait times to speak to a representative are typically shorter Wednesdays through Fridays or later in the day.**

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## **Notes**

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## ***Notes***

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